



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 31, 1998

Ms. M. Patrice Benford
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
Municipal Building
Dallas, Texas 75201

OR98-0852

Dear Ms. Benford:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 114444.

The City of Dallas (the "city") received a request for incident report, service number 0055832-G. You assert that the requested report is excepted from required public disclosure by section 552.108 of the Government Code.

Section 552.108 of the Government Code reads in relevant part as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

...

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

You state that the requested report "deals with an open record of prosecution in the case of *State v. Shaun Robert King* and *State v. Calvin Garrett*, Cause No. J98-005295-01." Because you have stated that the prosecution of this matter is pending, we believe the city has established that the release of the requested report would interfere with the prosecution of crime. Section 552.108 is inapplicable to "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). We believe such basic information refers to the "front page offense report" information held to be public in the case of *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, with the exception of the basic information, the city may withhold the requested report from the requestor based on section 552.108(a)(1) of the Government Code.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hastings
Assistant Attorney General
Open Records Division

KHH/rho

Ref.: ID# 114444

Enclosures: Submitted documents

cc: Mr. Mark Haney
9001 Airport Freeway, #650
Fort Worth, Texas 76180
(w/o enclosures)